

**NOTICE OF MEETING TO BE HELD BY THE  
HISTORIC PRESERVATION COUNCIL  
WEDNESDAY, NOVEMBER 20, 2024 - 12:00 PM  
MCALLEN DEVELOPMENT CENTER – 311 NORTH 15<sup>TH</sup> STREET**

**AGENDA**

At any time during the course of this meeting, the Historic Preservation Council may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Historic Preservation Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the Historic Preservation Council may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

**CALL TO ORDER -**

**1. Minutes**

- a) Approval or disapproval of Minutes held on September 25, 2024

**2. Discussion and Possible Action**

- a) Regarding New Historic District Designation

**3. Adjournment**

**C E R T I F I C A T I O N**

I, the undersigned authority, do hereby certify that the above agenda for the meeting of the McAllen Historic Preservation Council is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the municipal building, a place convenient and readily accessible to the general public at all times, and said notice was posted on the 15<sup>th</sup> day November, 2024 at 5:00 p.m. and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

\_\_\_\_\_  
Jessica Cavazos, Administrative Supervisor

**STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN**

The Historic Preservation Council convened in a meeting on Wednesday, September 11, 2024 at 12:02 p.m. at the McAllen Development Center – 311 N. 15<sup>th</sup> Street – Executive Conference

<b>Present:</b>	Dr. Jaclyn Miller	Chairperson
	Danny Boultinghouse	Vice-Chairperson
	Carolina Civarolo	Member
	Marc Millis	Member
	Daniel Padilla	Member
<b>Absent:</b>	Melissa S. Knerr	Member
<b>Staff Present:</b>	Benito Alonzo	Assistant City Attorney I
	Edgar Garcia	Planning Director
	Hilda Tovar	Planner II
	Carmen White	Administrative Assistant

**CALL TO ORDER – Dr. Jaclyn Miller - Chairperson**

**1. Minutes**

- a) Approval or Disapproval of Minutes held on September 11, 2024

Ms. Carolina Civarolo **moved** to approve the minutes with corrections noted. Vice-Chairperson Danny Boultinghouse **seconded** the motion. Motion approved with five board members present and voting.

**2. Information Only**

- a) Regarding New Historic District Designation

The Board discussed creating a new District Designation. The City Commission addresses the final determination. Other discussions were reaching out for existing surveys to identify Historical properties. Surveys would also give information for Historic research. In addition, include an Ordinance how to identify Historic properties such as 50 or 60 years, etc. and Historic Landmark, Historic value. The Ordinance should have a description of how to classify or categorize a Historic building or property. Investigative writing a City Ordinance to designate a “Historic” building. Other suggestions were using Social Media to reach out for the Historic Preservation District. Research on construction methods used in the RGV.


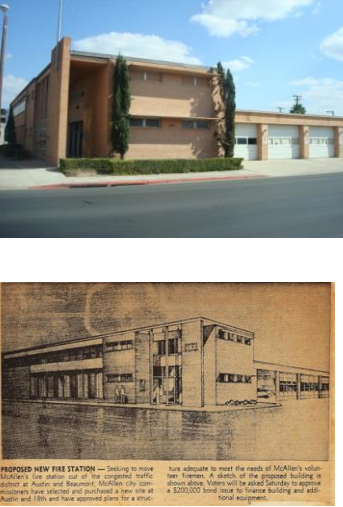
**3. Adjournment**





Mr. Marc Millis made a **motion** to adjourn the meeting. Mr. Daniel Padilla **seconded** the motion, which passed unanimously with five members present and voting. The meeting was adjourned at 12.24 p.m.

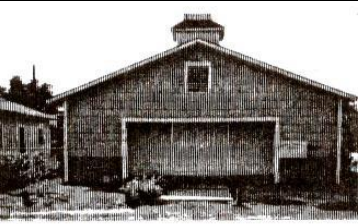



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Dr. Jaclyn Miller  
Chairperson

ATTEST \_\_\_\_\_  
Carmen White

	PICTURE	ADDRESS	PROPERTY OWNER	BRIEF HISTORY	REASON FOR LOSS
1		Nikki Rowe House 300 N. 15th Street	Robert & Susan Williams PO Box 5632 McAllen, TX 78502	James N. "Nikki" Rowe was born February 8, 1938 in McAllen, TX. He graduated from the McAllen public school system where he excelled in academics, sports, and was a class favorite. He was a distinguished student at West Point where he also obtained ranger, airborne, and artillery training before joining the elite Green Berets. Captured by the Viet Kong during the Vietnam War, he endured more than five years of torture by his captors as a Prisoner of War. Their lives were threatened if they would not sign statements of their nation's policies. Following execution of two of his comrades, he was being led to his own death when his guards were surprised by American helicopter gunships. His escape and rescue allowed him to return home as a war hero. At the Army's request, Rowe developed a training program for P.O.W. survival. Refusing a secure Washington assignment, he returned to Southeast Asia to assist the joint U.S.-Philippine military. He was assassinated by communist terrorists in Quezon City on April 21, 1989. As a recipient of numerous medals for valor and service to his country, he was buried in Arlington National Cemetery with full military honors.	Fire (2012)
2		Old Central Fire Station 101 S. Bicentennial Blvd McAllen, TX 78501	City of McAllen 1521 Galveston Ave. McAllen, TX 78501	Designed by Zeb Rike and associate J. B. Hancock in 1957, the central fire station was the administrative center for the City of McAllen Fire Department from 1958-2009. During the time the fire station was being utilized the city's population grew from 32,000 to 130,000 citizens. The building's post war architectural style plays an important role in its history. The design of the fire station reflected its internal spatial division with a two-story, open air portal at the northwest corner. To the south was a solid, recessed wall facing Bicentennial Blvd with parallel, horizontal canopies over high set windows. The McAllen Central Fire Station was one of the prominent buildings associated with modern architecture in the 1950s and 1960s. Only two of these outstanding works from that period have survived —the McAllen Civic Center and McAllen High School. Zeb Rike had conducted one of the longest architectural practices in the Lower Rio Grande Valley up until his death in 2007. He started his independent practice in McAllen in 1947. Rike's earlier work consisted of Temple Emanuel (1949), Trinity Lutheran Church in Mission, Texas (1949), The McAllen Public Library (1950), Crockett Elementary School (1955), and numerous others. Rike's best-known building is McAllen High School (1961), the first air conditioned high school in the Lower Rio Grande Valley. This McAllen Central Fire Station was built to replace a smaller station which was located on Austin Avenue and 18th Street. That original station became too congested with the Fire Department growing rapidly at the time. In order to house enough fire fighters comfortably, the city built the McAllen Central Fire Station.	Demolition (2013)

3		<p>City Hospital 1300 Houston Ave McAllen, TX 78501</p>	<p>City of McAllen 1521 Galveston Ave. McAllen, TX 78501</p>	<p>The City of McAllen was founded in 1904 and incorporated in 1911. The first medical practitioner was Dr. J. B. F. McMillan who arrived in 1906. Dr. Frank E. Osborn built a two story building in 1918 with a pharmacy on the first floor and doctor's offices upstairs. Dr. Carlos Balli, the first Hispanic to open a practice in McAllen, began in 1920 and was noted for making house calls on horseback. A hospital building was erected in 1920. Dr. J. M. Doss combined his home with an office and hospital. The two story structure featured a solarium on both ends of the ground floor, with a surgical facility and hospital beds on the upper floor. In 1925 the first municipal hospital was built on South Broadway with beds for 25 patients, but was soon outgrown. A new hospital here on Main Street was completed in 1928. The two buildings were connected with a covered passageway. Increased population caused an addition to be built in 1954. More growth and medical advances demanded new additions in 1960, 1967 and 1973. Demolished in 1993, the hospital building that stood here for decades was a significant part of the development of health care in McAllen. Other medical facilities have been added to meet the needs of the area. (1996)</p>	<p>Demolition (1993)</p>
4		<p>McAllen High School 200 South 10th St. McAllen, TX 78501</p>	<p>CRP 10TH ST LTD Tax Payment Services 2711 LBJ Freeway Suite 1065 Dallas, TX 75234</p>	<p>McAllen High School opened in 1918 and was functioning as a school until 1964. It remained in use until 1974 as part of the Central Elementary Complex. The football stadium behind the school buildings continued to be used for sporting events and graduation ceremonies until the mid 1970's when the new stadium opened on Bicentennial Boulevard.</p>	<p>Demolition</p>
5		<p>First State Bank</p>		<p>Located on the southwest corner of Main Street and Business 83, the bank failed for some time in the early 1930's until it was reorganized as the City State Bank &amp; Truct Company in 1933. In 1949 it became the First National Bank of McAllen. The bank moved in 1958 to a modern multistory building on the corner of Beaumont and 15th Street.</p>	<p>Demolition</p>
6		<p>McAllen Hotel</p>	<p>Chamber of Commerce 1200 Ash Avenue Mcallen, TX 78501</p>		<p>Demolition</p>

7		Bethel Church 1322 S. 16th St. McAllen, TX 78501	Bethel Baptist Church 1328 S 16TH ST Mcallen, TX 78501	<p>Prodominent school and church of the African American community. Construction was completed in September, 1941 and the church to Bethel Baptist Church. During Work War II, the church became the center of activities for the African American community in McAllen. The church congregation celebrated weddings, births, baptisms, graduations, welcomed new neighbors to the community and said farewell to loved ones. Bethel also helped overcome shortages by securing temporary housing, food, and clothing. In 1946 Rev. Maxie P. McGowan became the pastor. During his tenure the construction of a baptismal pool, pastor's study, church kitchen, and a dining area were completed and a central heating system was added. Today the legacy of the church continues as Bethel Church Gardens. It thrives as community resource for education, sharing of garden produce and inspirational events.</p>	Demolition
8	N/A	Apartments on the corner of Fresno Avenue and 17th Street		Possible living quarters for Mexican migrant workers in the Bracero Program.	Demolition
9		Sam Houston Elementary School	City of McAllen 1521 Galveston Ave. McAllen, TX 78501		Demolition
10		La Estrella Bakery	Alfredo Fuentes 2041 Lindberg Cir. McAllen, TX 78501	<p>Fred Fuentes Jr. comes from a baking pedigree. "I worked with three master bakers, which was my grandfather, my granduncle, which was my grandfather's brother, and my father," he said. The pan de polvo cookies Fuentes is making was a signature cookie of his grandfather's La Estrella Panaderia in McAllen. Jose Fuentes opened his bakery in 1927 and he was in business for more than 60 years. "It was the only bakery that survived the great depression, so from 1929 to 1947, we were the only bakery," Fuentes said. The heart of the bakery is the oven; it was adobe style. "Back in 1927, we used wood to heat the oven, in the 1940's we converted to gas," Fuentes said. La Estrella Bakery closed in the 1990s.</p>	Demolition
11		McAllen Civic Center	Simon Property Tax PO Box 6120 Indianapolis, IN 43206	<p>Built in 1960, the McAllen Civic Center managed to draw 10 conventions to McAllen in its first eight months. The Civic Center provided an auditorium which seated 1,800 and a convention hall that held 1,280. In 1963, National Cash Register chose McAllen's Civic Center as its international training site. Soon teh city had installed equipment and headphone for simultaneous in six languages, the only US venue outside the UN with that capability. Twelve years after its opening, the Civic Center was responsible for brining \$1.5 million to McAllen annually. On average it was used 25 days a month for concerts, pageants, shows, and social events. <i>(McAllen-Leading the Way)</i></p>	Demolition

12	 	Brown's Tool & Supply 1314 E. Business Highway 83	Boggus MS Properties LLC 1400 E US Highway 83 McAllen, TX 78501-8854		Demolition (2019)
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**PRIORITY HISTORIC RESOURCE LIST**

	PROPERTY ADDRESS	PROPERTY OWNER	MAILING ADDRESS	CITY & STATE	ZIP CODE	CURRENT NAME	HISTORIC NAME	C.L.	R.T.H.L.	N.R.H.P.
1	1410 Austin	R&L Lozano Leasing LTD	208 N. Cage Blvd	Pharr, TX	78577-3906	The Centennial	Moody's White Kitchen			
2	1018 Beech	Erika E. Melendez	2805 Santa Laura	Mission, TX	78572-7652	Celestial Room	1st Christian Church			
3	1316 Beech	AVL LP	3700 N 10th St. Suite 101	McAllen, TX	78501-1774		Former Gas Station			
4	1103 Highway 83	TITUS DEVELOPMENT LTD	3700 N 10TH ST STE 101	McAllen, TX	78501-1774	The Orchard Lounge	Brownies Gas Station			
5	1619 Galveston	McAllen ISD	2000 N. 23rd Street	McAllen, TX	78501-6126	MISD Special Education Department Annex	Roosevelt School	X	X	
6	100 N. 10th	Store Master Funding LLC	3507 Highway G-50	Saint Charles, IA	50240	Feldman's	Herb's Supermarket			
7	118 N. 11th	McAllen Masonic Lodge #1110	PO Box 3550	McAllen, TX	78502-3550	Masonic Temple	Masonic Temple	X	X	
8	101 N. Main St	City of McAllen	1521 Galveston Ave	McAllen, TX	78501	Archer Park	Archer Park		X	
9	101 N. Main	Northwest of McAllen LTD Partnership c/o Northwest Hospitality Grp L	1111 Main St. Suite 700	Vancouver, WA	98660-2970	Casa de Palmas Hotel	Casa de Palmas Hotel		X	X
10	201 N. Main	Rashid & Rashids LP	801 E. Nolana Ave. Suite 7	McAllen, TX	78504-6113	Horizon Montessori School	1st Methodist Church			
11	505 N. 15th	Mayra Marroquin and Joel Olivares	505 N. 15th Street	McAllen, TX	78501-4709		R.E. Horn House	X		
12	520 N. 15th	Frank Vos	520 N. 15th Street	McAllen, TX	78501-4710		Percy Herman House	X	X	
13	612 N. 15th	Scott Beard & Denise Sansing	601 N. 15th Street	McAllen, TX	78501-4711					
14	704 N. 15th	Bradley Oliver Wilkinson	704 N. 15th Street	McAllen, TX	78501-4714			X		X
15	707 N. 15th	CANALES TERRY A TRUST	2727 W UNIVERSITY DR	Edinburg, TX	78539-7889		Sam & Marjorie Miller House	X	X	X
16	101 N. 16th	Mid Valley Industries	101 N. 16th Street	McAllen, TX	78501-4732		Mid-Valley Ice			
17	316 S. 11th	Charles E. Thompson Jr.	314 S 11th Street	McAllen, TX	78501-4815		M.R. Nelson House			
18	123 S. Broadway	Joyce Investments Inc	123 S. Broadway Street	McAllen, TX	78501-4810	V&E Boutique	Southwestern Bell Telephone Co.			
19	300 S. Main	Morris R. Nelson II Trustee	PO Box 40	McAllen, TX	78505-0040	J.C. Penney/ M&J Nelson Building	M&J Nelson Building	X	X	X
20	301 S. Main	United States Federal Building	307 S. Main Street	McAllen, TX	78501	McAllen Heritage Museum	McAllen Post Office	X	X	
21	302 S. 15th	Sacred Heart Catholic Church	PO Box 370	McAllen, TX	78505-0370	Sacred Heart Roman Catholic Church	Sacred Heart Roman Catholic Church		X	
22	313-317 S. 17th	Trevino Ninfa Mata Trustee Esteban Trevino Rev Lvn Thrust	312 Yucca Ave	McAllen, TX	78504-2846					
23	609-611 S. 17th	Ricardo Reynoso	611 S. 17th Street	McAllen, TX	78501-5214	Hotel El Valle				
24	100 S. 17th	Kalifa's Western Wear Inc	209 S 16th Street	McAllen, TX	78501-5130	Molly Night Club	D. Guerra & Sons Store	X	X	
25	210 S. 17th	Guadalupe & Jovita P. Gomez	3616 N. 39th Street	McAllen, TX	78501-3323	Dirty Bottle Night Club				
26	311 S. 17th	El Rey Productions Inc	208 N. Cage Blvd	Pharr, TX	78577-3906	Cine El Rey	Cine El Rey	X	X	X
27	712 S. 17th	Jose & Maria Gonzalez	324 E. Vine Ave	McAllen, TX	78501-9545					
28	100 S. Bicentennial	Train Depot	100 S. Bicentennial Blvd	McAllen, TX	78501-7050	Law Office	South Pacific Depot	X	X	
29	620 S. 17th St.	Alfredo Fuentes	2041 Lindburg Cir	McAllen, TX	78501-7266	Demolished	Panaderia Estrella			
30	609 W. Highway 83	Said A. Shuaib	800 S. Cynthia Street	McAllen, TX	78501-9016	Trapped RGV	Paris Gum Factory	X	X	
31	1009 N. 10th	McAllen ISD	2000 N. 23rd Street	McAllen, TX	78501-6126	Lamar Academy	Lamar Junior High School	X	X	
32	8221 N. Ware	David & Beverly Strohmeier	8221 N. Ware Road	McAllen, TX	78504-5869	Strohmeier House	Strohmeier House	X		
33	600 Sunset	City of McAllen	1521 Galveston Ave	McAllen, TX	78501-5235	Quinta Mazatlan World Birding Center	Quinta Mazatlan			
34	300 W. Pecan	St. Paul Lutheran Church	300 Pecan Blvd.	McAllen, TX	78501-2355	Saint Paul Lutheran Church	Saint Paul Lutheran Church			
35	205 W. Pecan	Pecan & 2nd Street Investors LLC	1950 Paredes Line Road	Brownsville, TX	78521-1692	Burton, McCumber, Cortez, LLP	Federated Women's Club			
36	311 S. Broadway	Jorge & Velia Martinez	1101 Ash Ave.	McAllen, TX	78501-4603					
37	2009-2015 S. 10th	Travco services INC	2009 S. 10th Street	McAllen, TX	78503-5405		Sanborn's Building			
38	1206 N. Main St.	Coylie Koelle	1206 N. Main Street	McAllen, TX	78501-4333	Koelle House	Koelle House			
39	715 N. 10th St.	John & Joann Sahadi	709 N. 10th Street	McAllen, TX	78501-4515	Pronto Auto Insurance	Old Fire Station Building			
40	1018 Hackberry Ave.	Manuel & Elva Gonzalez; Margo Krauss	1018 Hackberry Ave.	McAllen, TX	78501-4303		Doss Surgical Hospital			

	PROPERTY ADDRESS	PROPERTY OWNER	MAILING ADDRESS	CITY & STATE	ZIP CODE	CURRENT NAME	HISTORIC NAME	C.L.	R.T.H.L.	N.R.H.P.
41	1609 Chicago Ave.	Christina Angelique Trigo	700 S. Col Rowe Blvd	McAllen, TX	78501-2810	Rio Hotel Night Club	Rio Hotel			
42	3925 N. Bentsen Rd.	Jesus Almaguer	6001 N. Taylor Rd	McAllen, TX	78504					
43	700 N Main St.	City of McAllen	1521 Galveston Ave	McAllen, TX	78501-5235	McAllen Chambers of Commerce Center	Church of Christ Building			
44	203 S. Main St.	The Man's Shop of McAllen	2019 S. 10th Street	McAllen, TX	78503-5405					
45	901 W. U.S. Business 8	Charles Clark Chevrolet Co.	PO Box 938	McAllen, TX	78505-0938	Charles Clark Chevrolet	Carpenter Chevrolet			
46	309 N. 11th St.	Peggy Jane Owens	309 N. 11th Street	McAllen, TX	78501-4251					
47	315 S. 8th St.	Foss S. Jones	PO Box 1299	McAllen, TX	78505-1299					
48	820 N. 23rd St.	Jose Moreno	2600 Tamarack Ave	McAllen, TX	78501-6454	Starlite Burgers	Starlite Burgers			
49	1100 Austin Ave.	Titus Development LTD	3700 N 10th St. Suite 101	McAllen, TX	78501-1774	Brickhouse Sport Bar	Ice House			
50	316 S. "C" St.	Zoella LP	200 N. McColl Rd Ste D	McAllen, TX	78501-9360	King's Inn Motel	King's Inn Motel			
51	321 S. 17th St.	George Alexander Monalvo	7033 N 5th St	McAllen, TX	78504-1752	Rex Cafe	Rex Café			
52	300 Pecan Ave.	Saint Paul Lutheran Church	300 Pecan Ave.	McAllen, TX	78501-2355	Saint Paul Lutheran Church 1956	Saint Paul Lutheran Church 1956			
53	516 E. Dallas Ave.	Javier & Vicky De La Garza	516 E. Dallas Ave	McAllen, TX	78501-8955					
54	1322 S. 16th St.	Bethel Temple Church	2001 Trenton Rd	McAllen, TX	78504	Bethel Baptist Historic Site	Bethel Baptist Church	X	X	

C.L. – City Landmark

H.D. – Historical District

R.T.H.L. – Registered Texas Historical Landmark

N.R.H.P- National Register of Historical Properties



**ORDINANCE NO. 2011- 35**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF McALLEN AT CHAPTER 138 (“ZONING”), ARTICLE VIII (“HISTORICAL PRESERVATION”); PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, on November 26, 2001 the Board of Commissioners adopted an historical preservation ordinance declaring, as a matter of public policy, that the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance was necessary to promote the economic, cultural, educational and general welfare of the public; and,

**WHEREAS**, a review of the City’s historic preservation program was conducted in June, 2008 by officials of the Texas Historical Commission, which approved the same but suggested improvements to the ordinance; and,

**WHEREAS**, the consulting group of Hardy-Heck-Moore worked on the City’s Historic Preservation Plan project, and also reviewed the ordinance, offering additional observations and comments to the same; and,

**WHEREAS**, after reviewing and accepting all the aforementioned recommendations the McAllen Historic Preservation Council submitted the same to a sub-committee that, working with staff, drafted proposed amendments to the ordinance; and,

**WHEREAS**, the proposed amendments were further reviewed by the Texas Historical Commission, and were subsequently submitted to the McAllen Planning and Zoning Commission which, after a public hearing in October, 2010 unanimously approved a recommendation to the Board of Commissioners for approval of the amendments; and,

**WHEREAS**, the Board of Commissioners finds that it is proper and necessary to modify and amend certain provisions of McAllen's historical preservation ordinance,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:**

**SECTION I:** The Code of Ordinances, City of McAllen, Texas, Chapter 138 ("Zoning"), Article VIII ("Historical Preservation"), is hereby amended and the same shall read as follows:

**Sec. 138-410. Purpose.**

(a) The Board of Commissioners of the City of McAllen hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational and general welfare of the public. It is also recognized by the board of commissioners that the buildings and structures of the City of McAllen represent the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute the City of McAllen heritage. This article is intended to:

- (1) **(a)** Protect and enhance the landmarks and districts which represent distinctive elements of McAllen's historic, architectural, and cultural heritage;
- (2) **(b)** Foster civic pride in the accomplishments of the past;
- (3) **(c)** Protect and enhance McAllen's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(4) **(d)** Insure the harmonious, orderly, and efficient growth and development of the City of McAllen;

(5) **(e)** Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such historic buildings and structures within the city; and

(6) **(f)** Encourage stabilization, restoration and improvements of such buildings.

~~(7) It is specifically provided that when the application of this article results in a substantial burden on a person's free exercise of religion, as defined under Chapter 110, Civil Practice and Remedies Code of the State of Texas, then the provisions of such chapter are applicable to such specific application.~~

#### **Sec. 138-411. Definitions.**

~~{As used in this article, the following words shall have the following meaning:}~~

**As used in this article, the following words shall have the following meanings:**

*Appurtenance* means a feature related to **in or of** a parcel of land or a site, or to a building, structure or object, or to a related group of any of these. The term includes, but is not limited to, buildings, structures, objects, sites, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings and signs.

**Architectural feature** means the architectural elements embodying style, design, general arrangements and components of all of the outer surfaces of any improvements, including, but not limited to, the kind, color and texture of the building materials and the style and type of all windows, doors, lights, signs and other fixtures appurtenant to a structure.

~~*Building* means a structure or construction that is created to shelter or accommodate any form of human activity. The term building may be used to refer jointly to historically or functionally related units, such as a courthouse and jail, or a house and barn.~~

**Building means any structure designed to be built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind. The word "building" includes the word "structure."**

**Capable of yielding a reasonable return means the ability of an investment property, under reasonable, efficient and prudent management, of earning an annual rate of return greater than or equal to six percent.**

*Certificate of appropriateness* means a permit issued pursuant to section 138-416 evidencing approval of the particular work it specifies.

*Commission* means the Board of Commissioners of the City of McAllen.

**Comparable building or structure means a newly constructed building or structure located either (1) in or within 300 feet of a historic district or a contributing resource identified in a City historic resource survey, or (2) in or within 200 feet of another comparable building or structure, that has been built in keeping with standards and procedures promulgated by the City of McAllen, in a style congruent with a period of the neighborhood of 50 or more years prior to application.**

*Conservation* means the careful treatment of **all the processes of looking after a historic resource so as to retain its historical, architectural or cultural significance** building materials and features and artifacts to preserve them and to prevent future deterioration .

**Contributing resource means a historic resource, located within the boundaries of a historic district, that has been determined to add to the characteristics depicted in subsection 138-414(b)(3) on the basis of which the district was designated, including, without limitation, historic associations, architectural qualities, or archaeological values.**

*Council* means the McAllen Historic Preservation Council.

**Demolition alteration means the demolition of a feature or a portion of a historic resource.**

**Exterior means visible from any street.**

~~*Historic district* means a geographic area designated as such pursuant to section 138-413(a).~~

~~*Heritage property* means a building or structure that is: a historic resource so designated by the City upon a finding that it meets the criteria of Section 138-414(c)(3)b hereof.~~

- ~~(1) At least 50 years old but does not qualify for or is not designated a landmark property and whose owner, in keeping with standards and procedures promulgated by the City of McAllen, substantially restores, rehabilitates, or preserves all of the facade facing any street it abuts; or~~
- ~~(2) Less than 50 years old and at the time of application for designation, is located within the City of McAllen's boundaries of 50 or more years prior thereto or in a historic district, and has been substantially restored, rehabilitated, or preserved in keeping with standards and procedures promulgated by the City of McAllen; or~~
- ~~(3) Is a replica building or structure, as defined in this section.~~

~~*Historic district* means a geographic area so designated by the City upon a finding that it meets the criteria of Section 138-414(b)(3) hereof.~~

~~*Historic resource* means any site, structure, object or artifact, or any of their features, which the City has determined has local, regional, statewide or national historical, architectural or cultural significance, and the land necessary for access to and use of the same.~~

~~*In-kind* means, with reference to replacement of deteriorated features with new features, such replacement as matches the material, composition, design, color, texture, and other visual qualities of the original feature.~~

~~*Landmark property* means a historic resource so designated by the City upon a finding that it meets the criteria of Section 138-414(c)(3)a hereof. individual building or structure that is at least 50 years old, has been restored, rehabilitated, or preserved in accordance with the applicable United States Secretary of the Interior's Standards, and as to which the council finds that it:~~

- ~~(1) Embodies the distinctive characteristics of a type, period, or method of historical construction or architecture;~~
- ~~(2) Is associated with the lives of persons significant to our past;~~
- ~~(3) Is associated with events that have made a significant contribution to the broad patterns of our history; or~~
- ~~(4) Has yielded information important in the prehistory or history of McAllen, the region, or the nation.~~

~~The designation "landmark property" recognizes that the historic place, or the building(s), structure(s), accessory building(s), fences, or other appurtenances at the place are of basic and vital importance for the preservation of culture and the development of tourism. Landmark properties are designated by the commission upon nomination by the council.~~

**Maintain means to perform ordinary repairs and maintenance, as necessary.**

**Non-contributing resource means a resource located within the boundaries of a historic district, that has been determined not to add to the characteristics depicted in subsection 138-414(b)(3) on the basis of which the district was designated, including, without limitation, because it is not fifty years or older, or it has been significantly altered.**

~~Ordinary repairs or maintenance means work done to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage and by using where possible, original materials.~~

**Ordinary repairs and maintenance means work done in order**

- (a) to correct any deterioration, decay of, or damage to a historic resource or any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage, or**
- (b) to prevent any deterioration, decay of, or damage to a resource or any part thereof in order to maintain it as nearly as practical in good condition, and**
- (c) which work does not constitute a change in design, material, or outward appearance.**

*Overlay zone* means a set of requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying zoning district.

**P&Z means the City of McAllen Planning and Zoning Commission.**

*Preservation* means the stabilization of a historic **resource** building or structure, its materials and **or** features in their present condition to prevent future deterioration.

**Nominated district and nominated property mean, respectively, a district, property or resource that, after review, is considered by the Council to be historically significant and qualified for designation, respectively, as a historic district, a landmark or heritage property, or as a historic resource, and which is nominated by the Council as a candidate for such historic designation.**

*Rehabilitation* means ~~the act or process of making possible a compatible use of a building through repair, alterations or additions while preserving those portions or features of the property which convey its historical, architectural, and cultural values~~ **the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values**.

~~*Replica building or structure* means a newly constructed building located either within the City of McAllen's boundaries of 50 or more years prior to its application for designation or in a historic district, and that has been built in keeping with standards and procedures promulgated by the City of McAllen, in a building style congruent with a period of the neighborhood of 50 or more years prior to application.~~

~~*Resource* means a landmark, landmark site, and all land or water within a historic district together with the appurtenances and improvements if any. The term resource includes, but is not limited to, separate districts, buildings, structures, sites, objects, landscape features, and related groups thereof.~~

*Restoration* means the act or process of accurately depicting the form, features and character of a historic building **resource** as it appeared at a

particular period of time. Sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make the building **historic resource** functional is appropriate.

*Structure* means anything constructed, erected or artificially built up; or composed of parts and joined together in a definite manner.

**Sec. 138-412. McAllen Historic Preservation Council; Historic Preservation Officer.**

(a) There is hereby created a board to be known as the McAllen Historic Preservation Council, ~~hereinafter called council,~~ consisting of seven members appointed by the board of commissioners each having a known and demonstrated interest, competence or knowledge in historic preservation within the City of McAllen. The council shall ~~consist~~ **include** at a minimum ~~of five members each~~ **one member each that qualifies as** from one of the following areas of expertise :

- (1) Architect licensed to practice in Texas;
- (2) Historian ~~with specialization in McAllen history~~ ;
- (3) Licensed real estate broker or appraiser;
- (4) Building contractor; and
- (5) Owner of historic or landmark property.

(b) ~~Should a member, resigning or finishing his/her term from the council, be from one of the identified professions leaving the council with no members from the identified profession, the vacancy thereby created shall be filled by the appointment of another member of the same identified profession.~~

**Whenever a vacancy shall arise whereby there is a loss of representation in the Council of at least one of the aforementioned qualified members, a new member shall be appointed to restore that representation.**

- (1) A quorum shall consist of four members.
- (2) Members shall serve for a term of two years in staggered terms according to Chapter Two, Article III, Boards, Committees and Commissions of the McAllen City Code.



(3) The chairperson and vice-chairperson of the council shall be elected by and from members of the board.

(4) The chairperson and vice chairperson of the council shall be elected annually in September by a majority of the members of the council, and shall serve a term of one year until their successors are elected as provided in section 2-79 .

**(c) The Planning Director shall appoint a qualified city staff person who has a known and demonstrated interest, competence or knowledge in historic preservation within the City of McAllen, to serve as Historic Preservation Officer ("HPO"). The HPO shall administer this ordinance, perform the duties and responsibilities as prescribed under this article, and advise the Council on matters submitted to it. The HPO is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.**

~~Sec. 138-413. Designation of historic districts landmark properties, and heritage properties.~~

~~(a) *Historic district.*~~

~~(1) *Zoning designation.* The board of commissioners may, from time to time, designate certain areas in the City of McAllen as historic districts, and define, amend or eliminate the boundaries of same. Such districts shall bear the word "historic" in their zoning designation. Such designation shall be an overlay zone, in addition to any other zoning district designation established in the zoning ordinance.~~

~~(2) *Official zoning map.* The board of commissioners shall cause the designation to be recorded in the Records of Hidalgo County, the tax records of the City of McAllen and the Hidalgo County Appraisal District. The official zoning map for the City of McAllen shall indicate the designated historic district with the suffix "HD".~~

~~(3) *Criteria.* In making the designation of a historic district, the board of commissioners shall affirmatively find the area has one or more of the following characteristics:~~

~~a. Possess significance in history, architecture, archeology, and culture;~~

- ~~b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;~~
- ~~c. Is associated with the lives of persons significant in our past;~~
- ~~d. Embodies the distinctive characteristics of a type, period, or method of construction;~~
- ~~e. Represents the work of a renowned master designer, builder or craftsman;~~
- ~~f. Represents an established and familiar visual feature of the neighborhood;~~
- ~~g. The majority of the buildings or structures within the district is 50 years old or older and considered contributing historically as it retains its structural and architectural integrity, and~~
- ~~h. Most buildings have been rehabilitated to The Secretary of the Interiors Standards for the Rehabilitation of Historic Buildings.~~

~~(4) *Procedure to establish a historic district.* In designating a historic district, the following steps must be followed:~~

- ~~a. A petition signed by the majority of the property owners within the proposed district requesting its designation as a historic district must be filed with the council, or the council may on its own motion propose and act to designate a historic district;~~
- ~~b. The council entertains the petition or the agenda item and conducts a hearing to learn the historic nature of the proposed district and forwards a recommendation to the planning and zoning commission;~~
- ~~c. The planning and zoning commission receives the recommendation, gives notice, conducts a public hearing and forwards a recommendation to the board of commissioners;~~
- ~~d. The board of commissioners receives the recommendation, sends notices, conducts a public hearing and takes action to accept, modify, or reject the proposed district.~~

~~(5) *Properties within a designated district not affected by this article.* This article shall not apply to any properties within a designated district with buildings or structures less than 50 years old, except if such properties are designated heritage properties.~~

~~(6) *Maintaining districts.* A designated historic district must maintain the characteristics depicted in subsection 138-413(a)(3) on the basis of which it was designated, and follow all relevant guidelines established by the City of McAllen in order to qualify for any special funding or tax incentives.~~

~~(b) *Designation of landmark and heritage properties.*~~

~~(1) These provisions pertaining to the designation of landmark and heritage properties constitute a part of the comprehensive plan of the City of McAllen. A property qualifies for designation as a landmark or heritage property if it purports to meet the definition of either as set out in section 138-411, and upon compliance with all the requirements of this article.~~

~~(2) A property owner shall submit an application to the historic preservation council in order to be considered for designation as a landmark or heritage property. The application shall be in the form and be filed in the manner required by the council.~~

~~(3) Once the application is submitted and processed, the council shall conduct a public hearing whereas the owner, interested parties, and/or technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural or cultural importance of the proposed property.~~

~~(4) Upon recommendation of the council, the proposed application shall be submitted to the planning and zoning commission which shall give notice and conduct its hearing on the proposed designation. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of McAllen.~~

~~(5) Upon receipt of a recommendation from the planning and zoning commission, the board of commissioners shall give notice, follow the publication procedure, hold a public hearing and make its determination in the same manner as provided in the general zoning ordinance of the City of McAllen.~~

~~(6) Upon designation of property as a heritage or landmark property, the board of commissioners shall cause the designation to be recorded in the Official Public Records of Real Property of Hidalgo County, the tax records of the City of McAllen and the Hidalgo County Appraisal District. The official zoning map for the City of McAllen shall indicate a designated landmark property with the suffix "LP," and a designated heritage property with the suffix "HP".~~

~~(7) Landmark and heritage properties must be properly maintained and follow all relevant guidelines established by the City of McAllen in order to qualify for any special funding or tax incentives.~~

~~(8) The board of commissioners upon recommendation by the historic preservation council and the planning and zoning commission shall have the power to involuntarily designate landmark or heritage properties after public hearings are conducted and after proper notification of property owner(s).~~

**Sec. 138-414. 413 Functions of the council.**

- (a) The council shall have the following powers and it shall be its duty to:
- (1) Prepare rules and procedures as necessary to carry out the business of the council.
  - (2) Recommend criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which may be adopted by the board of commissioners.
  - (3) Conducts surveys, and maintains an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic districts within the city.
  - (4) Create committees from among its members and delegate to those committees responsibilities to carry out the purposes of this article.
  - (5) Maintain written minutes which record all actions taken by the council and reasons for taking such actions.
  - (6) Recommend to the Commission that the City publicly recognize ~~conferral of recognition upon~~ the owners of landmarks landmark or heritage properties or of properties within historic districts by means of certificates, proclamations, plaques or markers.
  - (7) Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
  - (8) Make recommendations to the city commission concerning the utilization of federal, state, local or private funds and/or tax incentives to promote the preservation or rehabilitation of landmarks landmark and heritage properties and historic districts within the city.
  - (9) Act upon applications for certificates of appropriateness that are required under this article ~~pursuant to this act~~ or that are voluntarily applied for by property owners.
  - (10) Prepare specific design guidelines for the review of landmarks and districts landmark and heritage properties and historic districts .

(11) Recommend the acquisition of landmark **and heritage properties** structures by the city government where their preservation is essential to the purpose of this article and where private preservation is not feasible.

(b) Meetings. The council shall meet once a month if necessary at a regularly scheduled time. Special meetings may be called upon request of the chairperson or vice chairperson, or upon written request of four members, or upon notice from the chief building

official **or the HPO** that a matter requires the consideration of the council. All meetings shall have advance notice posted in accordance with Texas Open Meetings Law **Act, codified at Chapter 551 of the Texas Government Code, as the same may be amended** .

**Sec. 138-414. Designation of historic districts, landmark properties, and heritage properties; withdrawal of designation.**

**(a) Purposes. The intent of historic district designation is to recognize areas of the city of historical and cultural importance because of the presence therein of significant historic, architectural, or cultural resources; to foster civic pride in the accomplishments of the past; to encourage stabilization, restoration, and improvements of such resources and their values; to allow for a design review process, and to serve as a basis for preservation incentive programs. The provisions in this article pertaining to the designation of landmark and heritage properties constitute a part of the comprehensive plan of the City of McAllen.**

**(b) Designation of historic districts.**

**(1) Zoning designation. The Commission may, from time to time, upon recommendation of Council, designate certain areas in the City of McAllen as historic districts, and define, amend or eliminate the boundaries of same. Such districts shall bear the word "historic" in their zoning designation.**

**Such designation shall be an overlay zone, in addition to any other zoning district designation established in the zoning ordinance.**

**(2) Official zoning map. The Commission shall cause the designation to be recorded by the City Secretary in the Records of Hidalgo County, the Hidalgo County Appraisal District, and the tax records of the City of McAllen. The official zoning map for the City of McAllen shall indicate the designated historic district with the suffix "HD".**

**(3) Criteria. In making the designation of a historic district, the Commission shall affirmatively find the area has one or more of the following characteristics:**

**a. Possess significance in history, architecture, archeology, and culture;**

**b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;**

**c. Is associated with the lives of persons significant in our past;**

**d. Embodies the distinctive characteristics of a type, period, or method of construction;**

**e. Represents the work of a renowned master designer, builder or craftsman;**

**f. Represents an established and familiar visual feature of the neighborhood;**

**g. The majority of the resources within the district is 50 years old or older and considered contributing historically as it retains its structural and architectural integrity, and**

**(4) Procedure to establish a historic district. In designating a historic district, the following steps must be followed:**

**a. A petition signed by the owners of a majority of the land within the proposed district requesting its designation as a historic district must be filed with the Council as an attachment to an application to consider the designation of a historic district. The application shall be in the form and be filed in the manner required by the Council.**

**b. Once the application is submitted and processed, the Council shall conduct a public hearing at which the owner, interested parties, and/or technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural or cultural importance of the proposed historic district. The HPO shall make a presentation at the scheduled hearing and render a recommendation to the Council. The Council shall ascertain the historic nature of the proposed district and determine whether it meets the designation criteria. The Council shall then forward a report and recommendation to the P&Z to accept, modify, or reject the district as proposed. Prior to the hearing written notices shall be sent as provided in section 138-57(3), and official signs shall be posted as provided in section 138-57(4), with the words, "NOTICE OF HISTORIC DISTRICT DESIGNATION," the number and location of which signs shall be determined by the Council.**

**c. Once the P&Z receives the Council's report and recommendation, it shall give notice, conduct a public hearing. The HPO shall make a presentation at the scheduled hearing and render the Council's recommendation to the P&Z. The P&Z shall ascertain**

**the historic nature of the proposed district and determine whether it meets the designation criteria. After the hearing the P&Z shall forward the Council's and its own report and recommendation to the Commission to accept, modify, or reject the proposed district. Prior to the hearing written notices shall be sent and official signs shall be posted in the same manner as for the Council's hearings, with the number and location of said signs determined by the P&Z.**

**d. After receiving the Council's and P&Z's reports and recommendations the Commission shall conduct a public hearing and take action to accept, modify, or reject the proposed district. Prior to the hearing notice shall be given by publication as provided in section 138-58. At the hearing the HPO shall make a presentation and render the Council's and the P&Z's recommendations.**

**e. Nominated districts. The Council may, without a petition, when brought to its attention or on its own motion, consider, propose and act to recommend designation of a nominated historic district. In such a case the Council's approved motion to do so will substitute for the petition referred to at subsection (b)(4)a., above. All relevant procedures outlined in subsection (b)(4), hereinabove, shall be followed. However, no recommendation may be forwarded to the P&Z unless the Council's recommendation is supported by a two-thirds majority vote.**

**(5) Maintaining districts. In order to qualify for any special funding or tax incentives, designated historic district must maintain the characteristics depicted in subsection 138-**



all relevant guidelines established by the City of McAllen including performing ordinary repairs and maintenance as necessary .

(c) Designation of historic properties.

(1) Zoning designation. The Commission may, from time to time, designate certain historic resources in the City of McAllen as landmark or heritage properties. Such properties shall bear the word "historic" in their zoning designation. Such designation shall be an overlay zone, in addition to any other zoning district designation established in the zoning ordinance.

(2) Official zoning map. Upon designation of property as a heritage or landmark property, the Commission shall cause the designation to be recorded in the Official Public Records of Real Property of Hidalgo County, the tax records of the City of McAllen and the Hidalgo County Appraisal District. The official zoning map for the City of McAllen shall indicate a designated landmark property with the suffix "LP," and a designated heritage property with the suffix "HP".

(3) Criteria. A property qualifies for designation as a landmark or heritage property if it is a historic resource, including a building or structure that complies with all the applicable requirements of this article and meets any of the following criteria for the specific designation:

a. For landmark property designation, the property is at least 50 years old, has been restored, rehabilitated, or preserved in accordance with the applicable United States Secretary of the Interior's Standards, and any design guidelines adopted by the City, and:

**(i) embodies the distinctive characteristics of a type, period, or method of historical construction or architecture;**

**(ii) is associated with the lives of persons significant to our past;**

**(iii) is associated with events that have made a significant contribution to the broad patterns of our history; or**

**(iv) has yielded information important in the prehistory or history of McAllen, the region, or the nation.**

**b. For heritage property designation, the property is:**

**(i) at least 50 years old but does not qualify for or is not designated a landmark property and, in keeping with standards and procedures promulgated by the City of McAllen, has had all of the façade facing any street it abuts substantially restored, rehabilitated, or preserved; or**

**(ii) is less than 50 years old and has been substantially restored, rehabilitated, or preserved in keeping with standards and procedures promulgated by the City of McAllen; or**

**(iii) is a comparable building or structure, as that term is defined in this article.**

**(4) Procedure to designate historic properties. In designating a landmark or heritage property, the following steps must be followed:**

**a. A property owner shall submit an application to the Council in order to be considered for designation as a landmark or heritage property. The application shall be**

in the form and be filed in the manner required by the Council.

b. Once the application is submitted and processed, the Council shall conduct a public hearing whereas the owner, interested parties, and/or technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural or cultural importance of the proposed property. Written notices shall be sent in a manner similar to that provided in section 138-57(3), and official signs shall be posted as is provided in section 138-57(4), with the words, "NOTICE OF HISTORIC PROPERTY DESIGNATION," with the number and location of said signs determined by the Council. At the hearing the HPO shall make a presentation and make a recommendation to the Council. Following the hearing and deliberation, the Council shall forward a recommendation to the P&Z.

c. Upon submission by the Council, the P&Z shall give notice and conduct its hearing on the proposed designation. Written notices shall be sent and official signs shall be posted in the same manner as for the Council's hearings, with the number and location of said signs determined by the P&Z. At the hearing the HPO shall make present the Council's recommendation. Following the hearing and deliberation, the P&Z shall forward a recommendation to the Commission.

d. Upon receipt of a recommendation from the P&Z, the Commission shall give notice, hold a public hearing and make its determination. Notice of such hearing shall be given by publication as provided in section 138-58. At

the hearing the HPO shall make a presentation and render the Council's and the P&Z's recommendations.

e. Nominated historic properties. The Council may, without a petition, when brought to its attention or on its own motion, consider, propose and act to recommend designation of nominated historic properties. In such a case the Council's approved motion to do so will substitute for the property owner's application referred to at subsection (c)(4)a, above. All relevant procedures outlined in subsection (c)(4), hereinabove, shall be followed. However, no recommendation may be forwarded to the P&Z unless the Council's recommendation is supported by a two-thirds majority vote.

(5) Maintaining historic properties. In order to qualify for any special funding or tax incentives, landmark and heritage properties, and contributing resources in historic districts must maintain the characteristics on the basis of which they were designated, must be properly maintained, and follow all relevant guidelines established by the City of McAllen.

(d) Withdrawal of designation. Whenever it shall come to the Council's attention that a designated historic district has failed to maintain the characteristics depicted in subsection 138-414(b)(3) on the basis of which it was designated, or that a designated landmark of heritage property has failed to maintain the criteria specified in subsection 138-414(c)(3), or that either such a district or property has failed to follow any relevant guidelines established by the City of McAllen, the Council may entertain a motion to recommend withdrawal of such designation. Such withdrawal of designation shall render the affected properties ineligible for any tax relief, pursuant section 98-72.

**(1) Procedure to withdraw designation. The affected landmark or heritage property owner and all property owners of the affected historic district shall be given written notice of the time and place of the hearing by certified mail sent at least ten business days before the meeting to the owner's address of record.**

**(2) Written notices shall be sent in a manner similar to that provided in section 138-57(3), and official signs shall be posted as is provided in section 138-57(4), with the words, "NOTICE OF HEARING TO WITHDRAW HISTORIC DESIGNATION," with the number and location of said signs determined by the Council.**

**(3) The HPO shall make a presentation at the scheduled hearing and render a recommendation to the Council. The owner or owner's agent or representative shall attend the Council's scheduled hearing. In the event the owner or owner's agent or representative fails to be present at the hearing the Council shall table the item. At any subsequent meeting and regardless of the absence of the owner or owner's agent or representative, the Council may take action.**

**(4) The Council shall forward a recommendation to the P&Z for withdrawal of designation if it finds that:**

- a. a designated historic district has failed to maintain the characteristics depicted in subsection 138-414(b)(3) on the basis of which it was designated, or**
- b. a designated landmark of heritage property has failed to maintain the criteria specified in subsection 138-414(c)(3), or**
- c. either such a district or property has failed to follow any relevant guidelines established by the City of McAllen.**

**(5) Once P&Z receives the Council's recommendation it shall cause written notices to be sent in a manner similar to that provided in section 138-57(3), and official signs shall be posted as is provided in section 138-57(4), with the words, "NOTICE OF HEARING TO WITHDRAW HISTORIC DESIGNATION," with the number and location of said signs determined by the Council. P&Z shall conduct a public hearing during which the HPO shall make a presentation and render the Council's recommendation. Following the hearing the P&Z shall deliberate and forward a recommendation to the Commission.**

**(6) After the Commission receives the P&Z's recommendation it shall provide notice by publication as provided in section 138-58, conduct a public hearing during which the HPO shall make a presentation and render the Council's and P&Z's recommendations, and take action on the recommendation.**

**Sec. 138-415. Certificate of appropriateness required .**

It shall be unlawful for any person to

- (a) install, alter or demolish carry out or allow any construction, reconstruction, alteration, restoration, rehabilitation, installation, or relocation of any portion of or any exterior feature of any resource contributing property in a designated historic district, or of any landmark or heritage property, or of any state or federally designated historic resource , or**
- (b) construct or install any new structure within a designated historic district or in a designated historic landmark or heritage property , or in any state or federally designated historic resource,**

until after an application for a certificate of appropriateness of such work has been approved by the council. Additionally, a building or demolition permit may

not be granted for **any contributing** property within the **a historic** district or in a designated historic landmark or heritage property  **, unless the council issues a certificate of appropriateness. Neither shall anyone carry out or allow any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from any street, which affects the appearance and cohesiveness of any contributing property in a designated historic district, or of any landmark or heritage property, or of any state or federally designated historic resource, unless the council issues a certificate of appropriateness.**

~~(1) The council shall serve as the review body with the authority to approve and deny applications for certificates of appropriateness.~~

~~(2) In acting upon such applications, the council shall seek to accomplish the purposes of this article.~~

~~(3) A certificate of appropriateness shall not be required for work deemed, under the provisions of the chapter, to be ordinary repair or maintenance of any resource.~~

**(1) A certificate of appropriateness shall be required prior to beginning any work in any historic resource, including work claimed to be ordinary repair or maintenance. No building permit shall be issued for property that requires a certificate of appropriateness unless and until the HPO certifies to the Building Official that such a certificate of appropriateness has been granted, advising as to any conditions attached to such a certificate.**

**(2) A review of the plans or proposed work shall be undertaken by the HPO for submission of a recommendation to the Council, or by the Council directly, after the property owner files a completed application.**

**(3) Decisions of the council and by the HPO shall be in writing and shall state the findings of the council.**

**(4) A certificate of appropriateness shall be valid for 12 months and shall expire thereafter.**

**(5) An applicant may resubmit an application for a certificate of appropriateness after 12 months from the date of a denial.**

(6) Certificates of appropriateness shall may be issued for distinct and separate phases of an ongoing project.

**Sec. 138-416. Certificate of appropriateness: Application application and procedure.**

(a) *Application.* The applicant shall submit to the ~~chief building official~~ HPO an application in writing for a certificate of appropriateness which includes data and information as required by the ~~building official~~ HPO , including but not limited to the following:

- (1) Name of applicant and property owner.
- (2) Mailing address of applicant and permanent address of property owner.
- (3) Legal description and location of property to be altered or repaired.

(4) A detailed description of the nature of the proposed external repair, demolition alterations or additions ~~alteration or repair~~ to be performed.

(5) ~~A description of how the proposed change will be in character with the architectural or historical aspect of the structure or site.~~ A description of the structure and/or site and a narrative as to how the proposed change will be in character with its architectural and historical aspect on the basis of which it was designated and, if in a historic district, as to how the proposed change will impact upon the district.

(6) Any circumstances or conditions concerning the property which may affect compliance with this article.

(7) The intended and desired starting and completion date of the repair, demolition alterations or additions ~~alterations~~ to be made.



(8) Any drawings or photographs which would explain the proposed alteration repair, demolition alterations or additions .

(9) ~~Color samples~~ Samples of the colors which will be used on the structure , and of the materials to be used or applied on, or that may affect the exterior .

(10) Building, plumbing, electrical, mechanical and/or other permit applications.

(b) *Fees.* A nonrefundable administrative fee of One Hundred Dollars (\$100) addition to the building permit fee will be assessed to the applicant reflecting the cost to the city for processing the application. The application will not be deemed complete, nor will it be processed until such fee is paid in full. ~~A separate~~ Separate permit fees shall apply for any construction or demolition fee will be applicable for work under associated permits at time of construction. If the application is approved, all applicable building permits shall be obtained and all required fees paid prior to commencement of any work.

(c) ~~Insignificant alteration~~ Ordinary repair, demolition alterations or additions . If the chief building official HPO , guided by the adopted design guidelines, and where applicable, criteria from established by the Secretary of the Interior ~~Standards for the Rehabilitation of Historic Buildings~~, determines that the application involves ordinary repair or maintenance, ~~alteration,~~ change, restoration, color or removal of any exterior architectural feature of a building or structure a historic resource which does not involve significant change in the architectural or historic value, style, general design or appearance, ~~he/she~~ such officer may , ~~within seven days,~~ tentatively approve the application , on condition that the applicant shall use only the gentlest means possible, and shall forward a copy of the approved application to the chairperson of the council or to the vice chairperson of the council, if the chairperson is not available. The chairperson or vice chairperson of the council shall, within five business days after receipt of the tentative approval , either

approve the ~~building official's~~ HPO's decision or call a meeting of the council to consider the application , which meeting shall be held no later than ten business days after receipt of the tentative approval . If the ~~chairperson or vice chairperson of the council~~ officer does not take any action within five business days, or if a meeting is called and no action is taken to overturn the tentative approval, such tentative approval shall be deemed an approval by the Council it shall be deemed that such council person has approved the building official's decision . The HPO shall report all applications approved under this subsection to the Council at its next meeting following approval.

(d) *Significant alteration* repair, demolition alterations or additions . If the ~~building official~~ HPO determines that the application involves an repair, demolition alteration, addition, change, restoration, or removal or demolition of an external architectural feature of a ~~building or structure~~ a historic resource which involves a significant change in the architectural or historic value, style, general design, or appearance or for any other reason does not desire to act under the subsection above and is within a historic district or is a designated landmark or heritage property, he/she shall refer the application to the council and schedule the matter call for a for the next available meeting of the council to consider a certificate of appropriateness.

(e) *Time for approval* Procedure . The For all applications other than those approved by the HPO, the council shall hold a meeting public hearing to consider the application within ~~30~~ sixty calendar days after the receipt of a completed application.

(1) The applicant shall be given written notice of the time and place of the meeting by regular mail sent at least five business days before the meeting to the address on the application.

(2) Written notices shall be sent in a manner similar to that provided in section 138-57(3), and official signs shall be

posted as is provided in section 138-57(4), with the words, "NOTICE OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS," with the number and location of said signs determined by the Council. ~~The council may hold any additional meetings within 60 days following submission of a completed application as may be necessary to carry out its responsibilities under this article.~~

**(3) The HPO shall make a presentation at the scheduled hearing and render a recommendation to the Council.** The applicant or his/her agent, or representative, shall attend at least one meeting of the council during which his/her application is considered **the Council's scheduled hearing to consider the application** , otherwise the council shall not take action, and the application will be deemed to be incomplete. **Applicant's or his/her agent's or representative's failure to attend a second scheduled hearing shall be treated for all purposes as a withdrawal of the application.**

**(4) The council shall make its determination ~~to~~ and forward notice of the same to the building official HPO within sixty 60 calendar days after receipt of a completed application unless the Council schedules additional hearings, after the first is timely held, in which case the determination and notification shall be extended.**

~~If action is not taken within 60 days after receipt of a completed application and if there was no mutual agreement to extend the period of review , it shall be deemed that the council approved the application and it shall issue a certificate of appropriateness. This shall not apply if the council requested additional information from the applicant and the applicant has not submitted the information to the chief building official.~~

**(f) The Council may approve an application and condition such approval upon applicant's compliance with such revisions, stipulations or requirements as the Council may find appropriate.**

**(g) No building permit applications shall be accepted nor shall any such permit be issued, and no work shall be performed until after approval of a certificate of appropriateness, and not until five business days have elapsed from its transmission to the Building Official by the HPO, with any advice as to conditions which may have been attached to such a certificate.**

**Sec. 138-417. Criteria for review of certificate of appropriateness.**

In determining the recommendation and action on an application for a certificate of appropriateness, the chief building official **HPO** and the council shall review and decide the appropriateness of the proposed alterations **repair, demolition alterations or additions, and its compliance with any applicable City of McAllen Design Guidelines for designated local landmark and heritage properties, and the Secretary of the Interior's Standards for Treatment of Historic Properties and Guidelines for Preservation, Rehabilitation and Reconstruction.** ~~in accordance to the following:~~

~~(1) Removal or modification of architectural detail. The distinguishing original qualities or character of a building, structure and its environment shall not be destroyed.~~

~~(2) Scale of new construction in the historic district. The board shall review all new construction plans in order to ensure visual compatibility with the surrounding buildings and environment in relation to height, gross volume, and proportion.~~

~~(3) Value of the historic district or landmark. The value of the historic district or landmark as an area of unique interest and character shall be preserved.~~

~~(4) Standards to be used. The Standards for Rehabilitation and Guidelines for Applying the Standards for Rehabilitation of Historic Buildings, as issued by the Secretary of the Interior shall be used for any alterations.~~

~~All items in the above subsections are mandatory and must be met in order to receive a certificate of appropriateness.~~

**Sec. 138-418. Reserved. Additional issues for consideration.**

~~In addition to granting certificates of appropriateness under the criteria listed in subsections 138-417(2) (4), the council shall review and consider additional issues. In determining the action to be taken on an application for a certificate of appropriateness, the chief building official and the council shall review and consider the following matters:~~

- ~~(1) The effect of the proposed change on the general historic, cultural, and architectural nature of the district or landmark.~~
- ~~(2) The appropriateness of proposed exterior architectural features which can be seen from a public street, alley or walkway.~~
- ~~(3) The general design, arrangement, texture, color, and material of the building or structure and the relation of such factors to similar features of buildings, structures, in the district.~~
- ~~(4) Conformity to the general character of the particular historic area involved.~~
- ~~(5) Conformity of proposed signs with the character of the historic district or landmark.~~
- ~~(6) The importance of finding a way to meet the current needs of the property owner and the importance of approving plans that will be economically reasonable for the property owner to carry out.~~

**Sec. 138-419. Appeals Economic hardship waiver procedure; appeals .**

**(a) Within ten calendar days of receipt of written notification from the Council of the denial of a certificate of appropriateness to demolish a resource or any part of it, an aggrieved applicant may file an economic hardship waiver application with the HPO. Within sixty calendar days of applicant's receipt of the denial notice, a waiver applicant must have a complete application on file, including all required documentation and exhibits, including, without limitation:**

- (1) appraisal of property by a licenses real estate appraiser;**
- (2) estimated costs for appropriate rehabilitation prepared by a licensed architect or engineer with experience in historic preservation;**

**(3) documentation of consideration of alternative uses for the property, and**

**(4) documentation of public advertisement to solicit a buyer willing to appropriately rehabilitate their property.**

**(b) No building permit or demolition permit shall be issued unless the Council makes a finding that hardship exists and approves a waiver.**

**(c) Applicants for economic hardship waivers must prove with adequate and sufficient documentary and other evidence, that:**

**(1) the owner cannot make reasonable beneficial use of or, for income-producing properties, the property is not capable of yielding a reasonable return, regardless of whether that return represents the most profitable return possible;**

**(2) reasonable efforts to find a party interested in acquiring the property and preserving it have failed, and**

**(3) the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would render it capable of yielding a reasonable return.**

**(d) The applicant shall consult in good faith with the Council, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.**

**(e) The Council shall hold a public hearing on the hardship waiver application no later than the second regular Council meeting from the date the completed application is received by the HPO. The applicant shall be given written notice of the time and place of the meeting by regular mail sent at least five business days before the meeting to the address on the application. Written notices shall be sent in a manner similar to that provided in section 138-57(3), and official signs shall be posted as is provided in section 138-57(4), with the words, "NOTICE OF HARDSHIP APPLICATION FOR WAIVER OF CERTIFICATE OF APPROPRIATENESS," with the number and**

**location of said signs determined by the Council. Following the hearing the Council shall decide whether to grant or deny the hardship application. In the event the Council does not act within one hundred twenty calendar days of the receipt of the application, the hardship application shall be deemed approved and a certificate of appropriateness granted.**

**(f) A written notice of the Council's decision, stating the reasons for granting or denying the hardship application, shall be sent to the applicant by certified mail within five business days after it is rendered.**

**(g) An applicant dissatisfied with any action of the Council relating to the issuance or denial of a certificate of appropriateness or a waiver of same** Any persons, jointly or severally, **that is** aggrieved by any **such** decision of the council may present to the board of commissioners a petition, duly verified, setting forth that such decision is unjust, in whole or in part, and specifying the grounds of injustice. Such petition shall be presented to the board of commissioners within ten **5 business** days after the final decision of the council, and not thereafter ; for notification and calling of a public hearing to hear and act on the appeal . **The Commission shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the zoning ordinance of the city for zoning amendments.**

**Sec. 138-420. Demolition by neglect or without a certificate of appropriateness; penalties .**

**(1)** No owner or person with an interest in real property designated as a landmark or heritage property or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the council, produce a detrimental effect upon the historic character of the district

or landmark property . Such property shall be subject to the withdrawal of its designation pursuant to section 138-414(d), penalties and disqualification pursuant to sections 98-72 and 98-73, and ineligibility for any tax relief granted under Division 3 of Chapter 98 of this Code.

Examples of such deterioration include:

- (1) Deterioration of exterior walls or other vertical supports.
- (2) Deterioration of roofs or other horizontal members.
- (3) Deterioration of exterior chimneys.
- (4) Deterioration or crumbling of exterior stucco or mortar.
- (5) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- (6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

**(2) A person found guilty of demolition of a designated property by neglect or without a required certificate of appropriateness shall be fined at least \$500.00 but not more than \$5,000.00 per violation.**

**Sec. 138-421. Penalties.**

(a) The board may revoke classification designators for failure by the property owner(s) within the historic district or of a designated landmark or heritage property to maintain the structure at the prescribed levels.

(b) Any person who shall violate, participate or acquiesce in the violation of any provision of this chapter or who shall fail to comply therewith or with any of the requirements thereof, or who shall erect or alter any building historic resource in violation of any detailed statement or plan required to be submitted and approved thereunder shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and shall, upon conviction, be punished as prescribed in section 1-14 of the McAllen City Code.

(c) The city attorney's office is hereby authorized to file an appropriate action in a court of competent jurisdiction to enforce the provisions hereof by cause in equity or by any other remedy available by law.



**SECTION II:** Upon the conviction for any unlawful violation of the provisions hereof, the court may impose the fine or penalty as provided in Section 1-14 of the Code of Ordinances of the City of McAllen, except as may otherwise specifically be provided in the Historic Preservation Ordinance, as amended.

**SECTION III:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

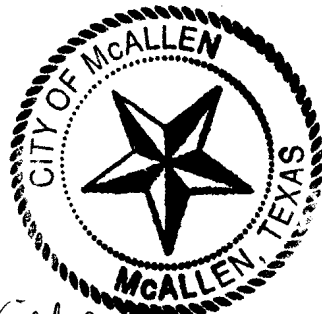
**SECTION IV:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 138 (“Zoning”), Article VIII (“Historical Preservation”) of the Code of Ordinances, City of McAllen, Texas, as amended by Section I hereinabove, to be published in the appropriate location in the said Code of Ordinances.

**SECTION V:** This Ordinance shall be and remain in full force and effect from and after its passage by the Board of Commissioners, and execution by the Mayor.

**SECTION VI:** If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

**CONSIDERED, PASSED and APPROVED** this 27<sup>th</sup> day of June, 2011, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

**SIGNED** this 28<sup>th</sup> day June, 2011.



**CITY OF McALLEN**

Richard F. Cortez  
Richard F. Cortez, Mayor

Attest:

Annette Villarreal  
Annette Villarreal, TRMC/CMC, CPM  
City Secretary

Approved as to form:

Kevin D. Pagan  
Kevin D. Pagan, City Attorney